



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR: **Jonathan H. Fischer et al.**

APPLICATION NO.: **09/605,953**

EXAMINER: **Briney III, Walter F.**

FILED: **June 28, 2000**

GROUP ART UNIT: **2644**

ATTORNEY DOCKET NO.: **Fischer 33-45-25**

TITLE: **METHOD AND APPARATUS FOR NON-DISRUPTIVE  
TELECOMMUNICATION LOOP CONDITION DETERMINATION**

**AMENDED DECLARATION UNDER 37 CFR 1.131**

We, JONATHAN H. FISCHER, DONALD R. LATURELL, and LANE A.

SMITH hereby declare as follows:

1. We are the inventors of the subject matter claimed in the above-identified patent application filed on June 28, 2000 (hereinafter, "the Application").
2. We have been informed that U.S. Patent No. 6,819,710 issued to Dupuis has been cited as prior art by the United States Patent and Trademark Office with respect to the Application. We also have been informed that the filing date of the Dupuis reference is June 26, 2000.
3. This declaration is to establish conception coupled with due diligence from prior to the reference date to the filing date of the Application.

4. We hereby declare that we conceived of the invention at least before June 26, 2000, the reference date, and constructively reduced it to practice on June 28, 2000, the filing date of the Application. We further declare that the events relating to the conception coupled with due diligence leading to the reduction to practice of the instant invention occurred in the United States.

5. On about June 21, 2000, I, Don Laturell, received and began reviewing in the United States a final draft of the Application. Sometime between June 21, 2000 and June 28, 2000, I completed my review of the final draft in the United States and authorized my attorney, Mr. Theodore Naccarella, Esq. of Synnestvedt & Lechner LLP in Philadelphia, Pennsylvania, to proceed with filing the application without substantial revision. After receiving my authorization, Mr. Naccarella proceeded to complete the transmittal papers for the application in Philadelphia, Pennsylvania and filed the complete Application on June 28, 2000. As evidence of our contemporaneous conception and constructive reduction to practice, we refer the Office to the Application as filed on June 28, 2000.

6. We submit that in accordance with 37 C.F.R. 1.131(b), the above facts establish conception of the invention prior to the filing date of the Dupuis reference (June 26, 2000) coupled with due diligence from prior to that reference date to the date that the invention was constructively reduced to practice (June 28, 2000), and further establish that the events relating to the conception coupled

with due diligence leading to the reduction to practice of the instant invention occurred in the United States.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that the facts set forth in this application are true; all statements made of his/her knowledge are true; and all statements made on information and belief are believed to be true.

Dated: \_\_\_\_\_

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JONATHAN H. FISCHER

Dated: 03/072006

  
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DONALD R. LATURELL

Dated: \_\_\_\_\_

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LANE A. SMITH